

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DIANA MEY, individually and on behalf of a
class of all persons and entities similarly
situated,

Plaintiff,

vs.

PATRIOT PAYMENT GROUP, LLC and
NORTH AMERICAN BANCARD, LLC,

Defendant.

Case No. 5:15-CV-00027-JPB

Hon. John Preston Bailey

**Motion for Final Approval of Settlement,
Attorneys' Fees and Costs, and Service Award**

Plaintiff, by counsel, respectfully moves this Court for final approval of the Settlement Agreement reached by the parties in this case and preliminarily approved by this Court on April 6, 2017. (ECF 123.)

The Defendants do not oppose this motion. A proposed order granting final approval is attached as Exhibit 1.

WHEREFORE, for all the reasons set forth in the contemporaneously filed Memorandum in Support, Plaintiff respectfully requests that the Court:

1. Pursuant to Fed. R. Civ. P. 23(e), grant final approval in all respects of the terms and provisions of the Class Settlement and Release Agreement, which the Court preliminarily approved by Order entered on April 6, 2017. (ECF 123.)

2. Award Plaintiff Diana Mey a service award in the amount of \$20,000.00 in recognition of her service to the Class;

3. Award Class counsel, Bailey & Glasser LLP, The Law Office of Matthew P. McCue and Broderick & Paronich, P.C., a fee of \$1,233,333.33, which sum represents one third of the amount of the settlement;

4. Award Class counsel, Bailey & Glasser LLP, The Law Office of Matthew P. McCue and Broderick & Paronich, P.C., litigation expenses of \$32,616;

5. Authorize the payment of settlement expenses to the settlement administrator of up to \$397,872.15;

6. Dismiss on the merits and with prejudice all Class claims of the Plaintiff and the Class Members in this action; and

7. Retain jurisdiction over this action for the purpose of interpretation and enforcement of the Class Settlement and Release Agreement, including oversight of settlement administration and distribution of settlement funds.

Date: July 14, 2017

Respectfully submitted,

s/ Jonathan R. Marshall
Jonathan R. Marshall
John W. Barrett
Ryan M. Donovan
Bailey & Glasser LLP
209 Capitol Street
Charleston, WV 25301
(304) 345-6555
jbarrett@baileyglasser.com
jmarshall@baileyglasser.com
rdonovan@baileyglasser.com

Edward A. Broderick
Anthony Paronich
BRODERICK & PARONICH, P.C.
99 High St., Suite 304
Boston, MA 02110
Telephone: (617) 738-7080
ted@broderick-law.com
anthony@broderick-law.com

Matthew P. McCue
THE LAW OFFICE OF MATTHEW P. MCCUE
1 South Avenue, Suite 3
Natick, MA 01760
Telephone: (508) 655-1415
mmccue@massattorneys.net

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2017, I caused to be filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Jonathan R. Marshall
Jonathan R. Marshall